

121903

11321 U.S. PTO

Practitioner's Docket No. : MPI00-5350MNICN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

16018 U.S. PTO
10/741790

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Fraser, Christopher C., *et al*

For: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC,
PREVENTIVE, THERAPEUTIC, AND OTHER USES

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a) 37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EV407135184US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: December 19, 2003

Sean Hunziker
(type or print name of person certifying)

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"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

12/19/2003 IPESHAM 00000026 501668 10741790
Sale Ref: 00000060 DAH: 501668 10741790
FC:1001 7A.W.M

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

(X) This application is a continuation of U.S. Application serial number 09/759,130, filed on January 12, 2001. U.S. Application serial number 09/759,130 is a continuation-in-part of U.S. Application serial number 09/479,249, filed on January 7, 2000, and a continuation-in-part of U.S. Application serial number 09/559,497, filed on April 27, 2000. U.S. Application serial number 09/759,130 is also a continuation-in-part of U.S. Application serial number 09/578,063, filed on May 24, 2000, which is a continuation-in-part of U.S. Application serial number 09/333,159, filed on June 14, 1999. U.S. Application serial number 09/759,130 is also a continuation-in-part of U.S. Application serial number 09/596,194, filed on July 14, 2000, which is a continuation-in-part of U.S. Application serial number 09/342,364, filed on June 29, 1999. U.S. Application serial number 09/759,130 is also a continuation-in-part of U.S. Application serial number 09/608,452, filed on June 30, 2000, which is a continuation-in-part of U.S. Application serial number 09/393,996, filed on September 10, 1999. U.S. Application serial number 09/759,130 is also a continuation-in-part of U.S. Application serial number 09/602,871, filed on June 23, 2000, which is a continuation-in-part of U.S. Application serial number 09/420,707, filed on October 19, 1999.

3. Maintenance of Copendency of Prior Application

A. ☒ Extension of time in prior application U.S. Serial No. 09/759,130 (copy enclosed)

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A copy of the conditional petition filed in the prior application is attached.

☐

4. Abandonment of Prior Application (if applicable)

☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

Practitioner's Docket No. : MPI00-535OMNICN1M

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

373 Pages of Specification, including

355 Pages of Description

17 Pages of Claims

1 Page of Abstract

365 Sheets of Drawings (Figure(s) 1A-30F)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☐ Formal
- ☒ Informal

6. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 C.F.R. Section 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ 249 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823) and 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: Preliminary Amendment (16 pages)
Copy of Extension of Time filed in prior U.S. Application Serial No. 09/759,130 filed January 12, 2001 (2 pages)

7. Declaration or Oath (including power of attorney)

- ☒ (14 pages) Copy of executed Combined Declaration and Power of Attorney from parent U.S. Application Serial No. 09/759,130.
- ☐ Not Enclosed.

8. Assignment

- ☒ (16 pages) Recorded assignment of the invention to Millennium Pharmaceuticals, Inc. from parent U.S. Application Serial No. 09/759,130, a copy of which
 - ☒ is enclosed.
 - ☐ will follow.

Practitioner's Docket No. : MPI00-535OMNICN1M

9. **Fee Calculation** (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	20	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	2	- 3 =	0	\$86.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$290.00			\$0.00

Filing Fee Calculation

\$770.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

10. **Method of Payment of Fees**

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$770.00
A duplicate of this transmittal is attached.

Practitioner's Docket No. : MPI00-535OMNICN1M

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

13. Correspondence Address

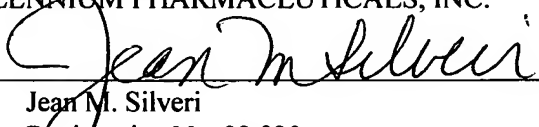
Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
Cambridge, MA 02139

December 19, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By


Jean M. Silveri
Registration No. 39,030
40 Landsdowne Street
Cambridge, MA 02139
Telephone - (617) 679-7336
Facsimile - (617) 551-8820

- ☒ **Statement Where No Further Pages Added**
- ☒ This transmittal ends with this page.

COPY

Practitioner's Docket No. MPI00-535OMNIM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fraser, Christopher C. et al.
Application No.: 09/759,130 Group No.: 1646
Filed: January 12, 2001 Examiner: Dong, Jiang
For: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. SECTION 1.136(a))

1. This is a petition for an extension of the time for a total period of 3 months to respond to the Office Action mailed June 19, 2003
(indicate matter being extended)
2. A response in connection with the matter for which this extension is requested:
[] is filed herewith.
[] has been filed.
[X] The response is the filing of a continuation application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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MAILING

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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Signature

Date: December-19, 2003

Sean Hunziker

(type or print name of person certifying)

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Practitioner's Docket No. MPI00-535OMNIM

3. Applicant is

☒ other than a small entity.

4. Calculation of extension fee (37 C.F.R. Section 1.17(a)(1)-(5)):

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.000
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$1,005.00

Fee \$950.00

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ months has already been secured. The fee paid therefor of
\$0.00 _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request _____

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been
filed, if any), the extended period for response will expire on December 19, 2004.

6. Fee Payment

- ☐ Attached is a check in the sum of \$0.00
- ☒ Charge Account No. 501668 for any additional extension and/or fee required or credit
for any excess fee paid.
- ☒ Charge fee to Account No. 501668. This is a request to charge for any additional
extension and/or fee required or credit for any excess fee paid.
A duplicate copy of this petition is attached.

December 19, 2003

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By


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